

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JOVAN MILLER,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 4:07CV00872 ERW
	)	
BUREAU OF PRISONS, et al.,	)	
	)	
Respondents.	)	

**MEMORANDUM AND ORDER OF TRANSFER**

This matter is before the Court upon the application of Jovan Miller for leave to commence this 28 U.S.C. § 2241 habeas corpus action without payment of the required filing fee. Upon consideration of the financial information provided with the application, the Court will grant petitioner provisional leave to file this action pursuant to 28 U.S.C. § 1915(a).

Petitioner, an inmate at the Federal Correctional Institution at Terre Haute, Indiana, challenges the Bureau of Prisons' calculation of good conduct credit under 18 U.S.C. § 3624(b),(c).

The Court notes that jurisdiction over a petition for a writ of habeas corpus under 28 U.S.C. § 2241 lies either in the district of physical confinement or in the district in which a custodian against whom the petition is directed is present. See McCoy v. United States Board of Parole, 537 F.2d 962, 964 (8th Cir. 1976). Petitioner is not confined within the Eastern District of Missouri; his custodian can be found in the Southern District of Indiana, Terre Haute Division.

Pursuant to 28 U.S.C. § 1631, a District Court which finds that it lacks jurisdiction to entertain a civil action may, if it is in the interest of justice, transfer such action to any other Court in which such action could have been brought. Upon transfer under § 1631, the action proceeds as

if it had been originally filed in the Court to which it is transferred. The Court finds that it would be in the interest of justice to transfer the instant case to the United States District Court for the Southern District of Indiana.

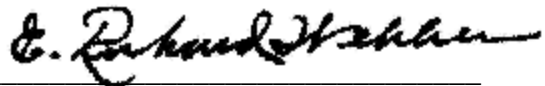
Therefore,

**IT IS HEREBY ORDERED** that this action shall be **TRANSFERRED** to the United States District Court for the Southern District of Indiana, Terre Haute Division. See 28 U.S.C. § 1631.

**IT IS FURTHER ORDERED** that petitioner is provisionally granted leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a), and that the Clerk shall receive and file the petition in this action without payment of the required filing fee. 28 U.S.C. § 1915(a). Because this case is to be transferred to the United States District Court for the Southern District of Indiana, such leave to proceed in forma pauperis is subject to modification by the Southern District upon transfer.

**IT IS FURTHER ORDERED** that the Clerk shall not issue process or cause process to be issued upon the said petition, because the petition is to be transferred.

So Ordered this 29th Day of August, 2007.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written over a horizontal line.

**E. RICHARD WEBBER**  
**UNITED STATES DISTRICT JUDGE**